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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Algeria,* Andorra,* Angola, Belgium, Bulgaria,* Chile, Croatia, Cyprus,* Czechia,* Denmark,* Eritrea,* Estonia,* Finland,* France,* Germany, Greece,* Haiti,* Honduras,* Iceland, Ireland,* Italy,* Latvia,* Lithuania,* Luxembourg,* Madagascar,* Maldives,* Malta,* Mexico, Monaco,* Montenegro,* Netherlands,* Niger,* Norway,* Paraguay,* Peru, Philippines, Poland,* Portugal,* Romania,* Serbia,* Slovakia, Slovenia, Spain, Sweden,* Switzerland, the former Yugoslav Republic of Macedonia,* Tunisia, Uruguay,* Yemen:* draft resolution

39/... The human rights to safe drinking water and sanitation

The Human Rights Council,

Guid:d by the purposes and principles of the Charter of the United Nations,

Recalling General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the human right to safe drinking water and sanitation as essential for the full enjoyment of the right to life and all other human rights,

Reaffirming all previous resolutions of the Human Rights Council and the General Assembly on the human rights to safe drinking water and sanitation, inter alia, Council resolution 33/10 of 29 September 2016 and Assembly resolution 72/178 of 19 December 2017,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling also the Vienna Declaration and Programme of Action, which reaffirms that all human rights are universal, indivisible, interdependent and interrelated, including the right to development,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", ensuring to leave no one behind,

* State not a member of the Human Rights Council.

Recalling that the 2030 Agenda for Sustainable Development covers the issue of the human rights to safe drinking water and sanitation and other water-related Sustainable Development Goals, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all, which comprises important targets relating to the human rights to safe drinking water and sanitation, as well as health and hygiene, and acknowledges the need for an integrated approach to Goal 6 that reflects the interlinkages between achieving universal and equitable access to safe drinking water, sanitation and hygiene, while also striving to improve the quality and safety of water, reduce the number of people suffering from water scarcity and ensure special attention to the needs and rights of women and girls,

Recalling also General Assembly resolution 71/222 of 21 December 2016, by which it proclaimed the period from 2018 to 2028 the International Decade for Action, "Water for Sustainable Development",

Recalling further the relevant commitments and initiatives promoting the human rights to safe drinking water and sanitation made at the 2014 high-level meeting of the Sanitation and Water for All partnership and in the Ngor Declaration on Sanitation and Hygiene, adopted at the fourth African Conference on Sanitation and Hygiene, in 2015, the Dhaka Declaration, adopted at the sixth South Asian Conference on Sanitation, in 2016, the Lima Declaration, adopted at the fourth Latin American and Caribbean Conference on Sanitation, in 2016, and the Dar es Salaam road map for achieving the Ngor commitments on water security and sanitation in Africa, adopted at the sixth Africa Water Week, in 2016, and noting the Budapest Water Summit 2016 and its recommendations, the call for action of the high-level symposium on the theme "Sustainable Development Goal 6 and targets: ensuring that no one is left behind in access to water and sanitation", held in Dushanbe in 2016, the seventh South Asian Conference on Sanitation, held in Islamabad in 2018, and the High-level International Conference on the International Decade for Action "Water for Sustainable Development", held in Dushanbe in 2018,

Welcoming the work of the World Health Organization and the United Nations Children's Fund in the 2017 update published by their Joint Monitoring Programme for Water Supply and Sanitation,

Welcoming also the fact that, according to a report by the Joint Monitoring Programme for Water Supply and Sanitation in 2015, an estimated 71 per cent of the global population uses a safely managed drinking water service system, while being deeply concerned, however, that 12 per cent of the global population still lacks even a basic drinking water system,

Deeply concerned that 844 million people lack a basic water service, 2.1 billion people lack access to safe drinking water that is available when needed and free from contamination in their homes, 4.5 billion people lack access to safely managed sanitation and 892 million people still practise open defecation,

Welcoming the fact that the Joint Monitoring Programme for Water Supply and Sanitation has established an extensive global database and has been instrumental in developing global norms to benchmark progress, while taking into consideration the fact that official figures do not always capture all the dimensions of the human rights to water and sanitation,

Deeply concerned that the lack of access to safe drinking water and sanitation and hygiene underlies severe human costs, such as poor health and high mortality rates, and major economic losses, and affirming that affordability, accessibility, availability and quality, as human rights criteria ensuring the rights to safe drinking water and sanitation, require, inter alia, that water, sanitation and hygiene facilities and services are within the safe physical reach of all sections of the population without discrimination of any kind and are accessible at a price that is affordable to all,

Expressing concern that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights, including the human rights to safe drinking water and sanitation,

Deeply concerned that women and girls often face particular barriers in their enjoyment of the rights to safe drinking water and sanitation, which are exacerbated in humanitarian crises, and that they shoulder the main burden of collecting household water in many parts of the world, which constitutes a major impediment to the achievement of their economic empowerment, independence and social and economic development,

Deeply concerned also that widespread silence and stigma surrounding menstruation and menstrual hygiene mean that women and girls often lack basic information thereon, are excluded and stigmatized and are thus prevented from realizing their full potential,

Deeply concerned further that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, workplaces, health centres, and public facilities and buildings, negatively affects gender equality and women's and girls' enjoyment of human rights, including the rights to education, health, safe and healthy working conditions, and to participate in public affairs,

Deeply concerned that women and girls are particularly at risk of and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety while collecting household water and when accessing sanitation facilities outside their homes, or practising open defecation,

Deeply alarmed that water, sanitation and hygiene-related diseases have a disproportionate impact on children and that, in humanitarian crises, including in times of conflict or natural disasters, children suffer the most from interruptions in water and sanitation services, and underscoring that progress on reducing child mortality, morbidity and stunting is linked to children's and women's access to safe drinking water and sanitation services,

Reaffirming the responsibility of States to ensure the respect, promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Recalling that the human rights to safe drinking water and sanitation are derived from the right to an adequate standard of living and are inextricably related to the right to the highest attainable standard of physical and mental health, and to the right to life and human dignity,

Reaffirming the importance of eliminating discrimination and inequalities in the enjoyment of the human rights to safe drinking water and sanitation on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds, and with a view to eliminating discrimination and inequalities based on factors such as rural-urban disparities, substandard housing, income levels or other relevant considerations,

Affirming the importance of national programmes and policies in ensuring the progressive realization of the human rights to safe drinking water and sanitation,

Stressing the importance of monitoring and reporting on the implementation of the Sustainable Development Goals and targets, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all,

Affirming the importance of regional and international technical cooperation, where appropriate, as a means to promote the progressive realization of the human rights to safe drinking water and sanitation, without any prejudice to questions of international water law, including international watercourse law,

Recognizing the important role that civil society plays at the local, national, regional and international levels in facilitating the achievement of the purposes and principles of the United Nations, fundamental freedoms and human rights, including the human rights to safe drinking water and sanitation,

1. *Reaffirms* that the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use, and that the human right to sanitation

entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living;

2. *Welcomes* the work of the Special Rapporteur on the human rights to safe drinking water and sanitation, and takes note with appreciation of his report on the theme of the human rights to water and sanitation of forcibly displaced persons;[1]

3. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, to achieve progressively the full realization of the rights to safe drinking water and sanitation by all appropriate means, including in particular the adoption of legislative measures in the implementation of their human rights obligations;

4. *Stresses* the important role of international cooperation and technical assistance by States, specialized agencies of the United Nations system and international and development partners, and by donor agencies, in particular in the timely achievement of the relevant Sustainable Development Goals, and urges development partners to adopt a human rights-based approach when designing, implementing and monitoring development programmes in support of national initiatives and plans of action relating to the rights to safe drinking water and sanitation;

5. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, including the human rights to safe drinking water and sanitation, and in this regard of judicial, quasi-judicial and other appropriate remedies, including procedures initiated by or on behalf of individuals or, as appropriate, groups of individuals, and of adequate procedures to avoid infringements of such rights with a view to ensuring justice for all for violations in the context of the realization of the rights to safe drinking water and sanitation as components of the right to an adequate standard of living, including taking the measures necessary to ensure that women and girls and persons at risk have equal access to effective remedies;

6. *Notes with concern* that, in spite of all efforts, gender inequalities still exist in the realization of the human rights to safe drinking water and sanitation;

7. *Calls upon* States:

(a) To implement the internationally agreed Sustainable Development Goals and targets, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all, in accordance with their obligations under international law;

(b) To ensure the progressive realization of the human rights to safe drinking water and sanitation for all in a non-discriminatory manner while eliminating inequalities in access, including for persons at risk and marginalized groups, on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds;

(c) To monitor continuously and analyse regularly the status of the realization of the human rights to water and sanitation and to enhance efforts to improve the availability, accessibility, quality and use of water-related data at local, national and regional levels, and to develop disaggregated and gender-responsive indicators and monitoring mechanisms;

(d) To promote both women's leadership and their full, effective and equal participation in decision-making on water and sanitation management, ensure that a gender-based approach is adopted in relation to water and sanitation programmes, including measures to reduce the time spent by women and girls in collecting household water, in order to address the negative impact of inadequate water and sanitation services on the access of girls to education, to protect women and girls from being physically threatened or assaulted, including from sexual violence, while collecting household water and when

[1] A/HRC/39/55.

accessing sanitation facilities outside of their home or practising open defecation, to protect women's and girls' equal access to water and sanitation and to take positive measures to guarantee the availability and accessibility of these rights;

(e) To address the widespread stigma and shame surrounding menstruation and menstrual hygiene by ensuring access to factual information thereon , addressing the negative social norms around the issue and ensuring universal access to hygienic products and gender-sensitive facilities, including disposal options for menstrual products;

(f) To make efforts to mitigate the disproportionate impact of water, sanitation and hygiene-related diseases on children and reduce child mortality, morbidity and stunting by ensuring the progressive realization of the human rights to safe drinking water and sanitation;

(g) To consult and coordinate with local communities and other stakeholders, including civil society and the private sector, on adequate solutions to ensure sustainable access to safe drinking water and sanitation;

(h) To provide for effective accountability mechanisms to ensure that all water and sanitation service providers, including private sector providers, respect human rights and do not cause or contribute to human rights violations or abuses;

8. *Encourages* all Governments to continue to respond favourably to requests by the Special Rapporteur for visits and information, to follow up effectively on the recommendations of the mandate holder and to make available information on measures taken in this regard;

9. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the resources and assistance necessary for the effective fulfilment of the mandate;

10. *Decides* to continue its consideration of this matter under the same agenda item at its forty-second session.